

**ASSEMBLY BILL**

**No. 2134**

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**Introduced by Assembly Member Chesbro**

February 18, 2010

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An act to add Section 25503.45 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 2134, as introduced, Chesbro. Alcoholic beverage control: tied-house restrictions: instructional events: beer.

The Alcoholic Beverage Control Act authorizes any person holding a manufacturer's agent's, rectifier's, importer's, or wholesaler's license to give away samples of the alcoholic beverages that are authorized to be sold under that license. Existing law provides that a retail license does not authorize the furnishing or giving away of any free samples of alcoholic beverages. Existing law permits beer manufacturers, holders of a beer and wine importer's general license, and licensed beer and wine wholesalers to instruct consumers regarding beer, respectively.

This bill would additionally allow beer manufacturers and holder's of a beer and wine importer's general license, or any director, partner, officer, agent, or representative of that person, to conduct an instructional event held at a retailer's premises featuring beer produced by or for the beer manufacturer or imported by the licensed beer and wine importer, subject to specified conditions.

The Alcoholic Beverage Control Act provides that a violation of any of its provisions for which another penalty or punishment is not specifically provided is a misdemeanor. This bill, by including provisions that, if violated, would result in a misdemeanor, would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 25503.45 is added to the Business and  
2 Professions Code, to read:

3 25503.45. (a) Notwithstanding any other provision of this  
4 division, a beer manufacturer or a holder of beer and wine  
5 importer's general license, or any director, partner, officer, agent,  
6 or representative of that person, may conduct or participate in, and  
7 serve beer at, an instructional event for consumers held at a  
8 retailer's premises featuring beers produced by or for the beer  
9 manufacturer or imported by the licensed beer and wine importer,  
10 subject to the following conditions:

11 (1) No premium, gift, free goods, or other thing of value may  
12 be given away in connection with the instructional event by the  
13 beer manufacturer or holder of a beer and wine importer's general  
14 license, except as authorized by this division.

15 (2) No alcoholic beverages may be given away in connection  
16 with the instructional event except that beer, taken from growlers  
17 or from tanks, may be sampled at the instructional event. For the  
18 purposes of this section, minimal amounts of the samples provided  
19 for tasting at the instructional event in addition to the beers being  
20 featured do not constitute a thing of value.

21 (3) No alcoholic beverages may be sold at the instructional  
22 event, except that orders for the sale of beer may be accepted by  
23 the beer manufacturer if the sales transaction is completed at the  
24 beer manufacturer's premises.

25 (4) For purposes of this section, a licensed beer and wine  
26 wholesaler shall not be a representative of a beer manufacturer or  
27 a holder of a beer and wine importer's general license.

28 (b) Notwithstanding any other provision of this division, a beer  
29 manufacturer or a holder of a beer and wine importer's general  
30 license, in advance of an instructional event for consumers being

1 held at a retailer's premises, may list in an advertisement the name  
2 and address of the retailer, the names of the beers being featured  
3 at the instructional event, and the time, date, and location of, and  
4 other information about, the instructional event, provided:

5 (1) The advertisement does not also contain the retail price of  
6 the beers.

7 (2) The listing of the retailer's name and address is the only  
8 reference to the retailer in the advertisement and is relatively  
9 inconspicuous in relation to the advertisement as a whole. Pictures  
10 or illustrations of the retailer's premises and laudatory references  
11 to the retailer in these advertisements are not hereby authorized.

12 (c) Notwithstanding any other provision of this division, the  
13 name and address of a beer manufacturer or a holder of a beer and  
14 wine importer's general license, the brand names of beer being  
15 featured, and the time, date, location, and other identifying  
16 information of a beer promotional lecture at retail premises may  
17 be listed in advance of the event in an advertisement of the off-sale  
18 or on-sale retail licensee.

19 (d) Nothing in this section authorizes a beer manufacturer or a  
20 holder of a beer and wine importer's general license, or any  
21 director, partner, officer, agent, or representative of that person,  
22 to share in the costs, if any, of the retailer licensee's advertisement.

23 (e) Nothing in this section authorizes any person to consume  
24 any alcoholic beverage on any premises licensed with an off-sale  
25 retail license.

26 SEC. 2. No reimbursement is required by this act pursuant to  
27 Section 6 of Article XIII B of the California Constitution because  
28 the only costs that may be incurred by a local agency or school  
29 district will be incurred because this act creates a new crime or  
30 infraction, eliminates a crime or infraction, or changes the penalty  
31 for a crime or infraction, within the meaning of Section 17556 of  
32 the Government Code, or changes the definition of a crime within  
33 the meaning of Section 6 of Article XIII B of the California  
34 Constitution.